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EDWARD E. DURYEA, 1ST DISTRICT  
CHAIRMAN



COMMISSIONERS  
EMILY C. PHILLIPS, 2ND DISTRICT  
DR. D.H. DANIEL, 3RD DISTRICT  
MIKE BURTON, 4TH DISTRICT  
RICHARD C. JONES, 5TH DISTRICT  
JAMES C. MCLEOD, JR., 6TH DISTRICT

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STATE DOCUMENTS

GARY R. BAKER  
EXECUTIVE DIRECTOR

(803) 734-1227  
1122 Lady Street, Ste. 930  
Columbia, S.C. 29201

July 1988

No. 89-001

## PORT ROYAL TOWN MANAGER CITED FOR VIOLATION OF ETHICS ACT

The State Ethics Commission determined that the Town Manager of Port Royal, Bruce A. Drawdy, violated the State Ethics Act in quit-claiming property within the town limits for his personal use. Drawdy also utilized his position as Town Manager to have the zoning classification changed on the property without following proper procedures.

According to Commission Executive Director, Gary R. Baker, the State Ethics Commission conducted a two-day hearing on March 16 and March 30 into the complaint filed by N.S. Thompson, a citizen of Port Royal. As a result of the hearing, the State Ethics Commission found that Drawdy had utilized his position to benefit from the land transaction. The matter has been referred to the Solicitor's Office for appropriate action.

## CAMPAIGN DISCLOSURE DEADLINE — JULY 14

Campaign Disclosure Forms will be due prior to July 14 for candidates, whether successful or not, who received or spent funds in the June 14 primary election. The Campaign Disclosure Form provides for reporting of totals of expenditures and contributions. The names of persons contributing more than \$100 (\$100.01 or more) must be listed as well as the purpose and amount of all expenditures.

Any candidates involved in the June 28 runoff must file a Campaign Disclosure Form prior to July 28 for the contributions and expenditures associated with the runoff election. Runoff candidates may elect to file their Campaign Disclosure Form once by filing contributions and expenditures for both elections and filing it prior to July 14.

To obtain copies of the Campaign Disclosure Form or to seek assistance, please call the Commission office.

## NELSON JOINS COMMISSION STAFF

Cheryl A. Nelson has joined the Commission staff effective June 2 as the Administrative Specialist. A native of St. Stephen, she previously worked for the City of Columbia.

## VIDEO TRAINING PROGRAM OFFERED

The Commission has developed a 12 minute training program on the functions of the Commission, and also provides some ethics vignettes of fairly typical situations which public officeholders might encounter. The video makes an excellent program for a church or civic organization, or it can be utilized by agencies as part of their orientation training program for officials or employees. It can even be used effectively by individual officeholders.

If you would be interested in obtaining the videotape, or if you would like to have a program presented by a staff member to your organization, please contact the office for details.

## MAILING LIST UPDATE

Please call or write the Commission if there are any changes which need to be made to our mailing list for receipt of future issues of this newsletter. Let us know of any personnel or address changes on the mailing label and also notify us of any additions or deletions.

## WARNING ISSUED TO NON-FILERS

At a January 18, 1988 hearing, Circuit Judge James M. Morris advised school trustees who do not properly file their Statements of Economic Interests that they may be subject to injunctive relief or sanctions. Judge Morris' order came about as a result of a hearing into a complaint filed against Marvin Ross, a Dorchester County #4 School Trustee, for failing to file a Statement of Economic Interests for 1987. The complaint was filed by Gary R. Baker, Commission Executive Director, and resulted in a hearing before the State Ethics Commission on September 16, 1987. Since Ross had not filed a Statement of Economic Interests, the matter was referred to the Attorney General's Office which sought a Rule to Show Cause.

Just prior to the hearing before Judge Morris, Ross filed the required form with Baker. Morris declined to order any sanctions at that time, but did put Ross and other school board members on notice that such failure in the future would not be tolerated.



# DIGEST OF ADVISORY OPINIONS

**OPINION: 88-027**                      **JANUARY 20, 1988**

**SUBJECT: COLLEGE EMPLOYEE WINNING TV SET IN STUDENT-SPONSORED RAFFLE**

A college employee would not be prohibited by the State Ethics Act from winning and accepting a TV set from a drawing for which he purchased a ticket.

Requestor: Will C. Allred, Jr., Program Coordinator  
Entity: Coastal Carolina College

**OPINION: 88-028**                      **JANUARY 20, 1988**

**SUBJECT: RESEARCH FIRM IN COLLABORATIVE EFFORT WITH CLEMSON UNIVERSITY**

A Clemson University professor whose advanced technology firm is negotiating with the University in a collaborative research effort may participate in the research activity provided he has taken no action on the development or award of the research contract and further provided that he does not participate in any actions or decisions which will affect that research effort.

Requestor: Ben W. Anderson, Legal Counsel  
Entity: Clemson University

**OPINION: 88-029**                      **JANUARY 20, 1988**

**SUBJECT: MAYOR PARTICIPATING IN CITY HOUSING AUTHORITY PROGRAM**

A Mayor is not prohibited from participating in a city housing authority program; however, the State Ethics Commission advises that she not participate in appointing members to the housing authority to preclude even the appearance of impropriety.

Requestor: The Honorable Shirlee A. Rollins, Mayor  
Entity: City of Greer

**OPINION: 88-030**                      **JANUARY 20, 1988**

**SUBJECT: AGENCY CONTRACTING WITH ATTORNEY IN LAW FIRM OF AGENCY CHAIRMAN**

An attorney who is associated with the law firm of an agency chairman may be selected to perform a contract for the agency provided the chairman is not involved in the contracting process, to preclude even the appearance of impropriety.

Requestor: Joseph D. Patton, III, Executive Director  
Entity: Charleston County Human Services Commission

**OPINION: 88-031**                      **JANUARY 20, 1988**

**SUBJECT: AGENCY'S HIRING OF DAUGHTER OF AGENCY BOARD MEMBER**

The State Ethics Commission advised a TEC Board Chairman whose daughter has been hired by the college against participation in matters affecting her financial interests to preclude even the appearance of impropriety.

Requestor: William O. Rowell, Chairman  
Entity: Midlands Technical College Board

**OPINION: 88-032**                      **JANUARY 20, 1988**

**SUBJECT: PART-TIME PHARMACY INSPECTOR WORKING IN REGULATED PHARMACIES**

A pharmacy inspector, whether employed part-time or full-time, is advised against employment with a regulated pharmacy. Section 8-13-450 prohibits association with a regulated business which would impede the discharge of public duties while Section 8-13-490 prohibits the offer or acceptance of anything of value by an employee of a regulatory agency from a person regulated by that agency.

Requestor: C. Douglas Chavous, Executive Director  
Entity: Pharmaceutical Examiners Board

**OPINION: 88-033**                      **JANUARY 20, 1988**

**SUBJECT: CITY COUNCILMEMBER BEING EMPLOYED BY COUNTY**

A city councilmember is not prohibited by the State Ethics Act from seeking employment with or being employed by the county. If, however, a matter should require action which would affect the other public position, the person would be required to follow the disclosure and disqualification procedures of Section 8-13-460. The effect of the Hatch Act should be referred to the Federal Office of Personnel Management.

Requestor: Emory H. Bedenbaugh, Council Member  
Entity: City of Bishopville

**OPINION: 88-034**                      **MARCH 16, 1988**

**SUBJECT: AWARD OF CONTRACT TO SPOUSE OF AGENCY HEAD**

The spouse of a school President may be considered for and may perform a contract to provide services to the school provided the president does not participate in the contracting process. The State Ethics Commission further advises that the Board weigh the implications of the appearance of impropriety regarding the award of such contract.

Requestor: Douglas F. Dent, Chairman Board of Commissioners  
Entity: School for the Deaf, Blind and Multihandicapped

**OPINION: 88-035**                      **MARCH 16, 1988**

**SUBJECT: AGENCY PROVIDING TRANSPORTATION TO CONVENTION ATTENDEES**

The Attorney General's Office should be consulted as to whether the Public Service Commission can utilize agency vehicles and personnel to transport out-of-state conference attendees from the airport to the conference hotel. There does not appear to be any provision in the State Ethics Act which would address this issue.

Requestor: C. Dukes Scott, Executive Assistant  
Entity: Public Service Commission



**OPINION: 88-036** **MARCH 16, 1988**

**SUBJECT: OFF-DUTY EMPLOYMENT BY DISTRICT MEDICAL DIRECTOR**

A District Medical Director may engage in off-duty employment with an industrial hygiene firm which is located outside his district provided he does not engage in employment with businesses subject to his regulation. The outside work should be closely monitored to ensure that the public position is not utilized to obtain such employment. If the employee is required to follow the provisions of Section 8-13-460 frequently, he should consider disassociation from the off-duty employment or the agency.

Requestor: Robert M. Anderson, Jr., M.D., M.P.H.  
Entity: Department Health & Environmental Control

**OPINION: 88-037** **MARCH 16, 1988**

**SUBJECT: COUNTY COUNCIL CANDIDATE'S FIRM CONDUCTING BUSINESS WITH COUNTY**

A candidate for county council, if elected, may have his firm bid on county business provided he does not participate in actions or decisions regarding the contracts. Further, his firm may continue to do private work subject to county regulation or inspection and may rent equipment to the county on an emergency basis provided he takes no official actions or decisions on the contract process.

Requestor: Richard A. Ashmore, Council Candidate  
Entity: Greenville County

**OPINION: 88-038** **MARCH 16, 1988**

**SUBJECT: DIRECTOR OF ELEEMOSYNARY CORPORATION AS CANDIDATE FOR COUNTY COUNCIL**

The State Ethics Act does not address who may run for or hold elective public office. Since the candidate for county council is an employee of a commission whose members are appointed by county council, he is required to follow the procedures of Section 8-13-460 regarding the appointment of such board members or other matters affecting the commission.

Requestor: Dan Sharpe, Executive Director  
Entity: Pickens County Commission Alcohol & Drug Abuse

**OPINION: 88-039** **MAY 18, 1988**

**SUBJECT: CITY COUNCILMAN PARTICIPATING IN ISSUES AFFECTING AIRPORT**

A City Councilman who serves on the county airport advisory committee should follow disclosure and disqualification procedures of Section 8-13-460 on matters affecting either agency.

Requestor: John L. Breeden, Jr., County Attorney  
Entity: Horry County

**OPINION: 88-040** **MAY 18, 1988**

**SUBJECT: MENTAL RETARDATION BOARD MEMBER ALSO SERVING ON COUNTY ASSOCIATION FOR RETARDED CITIZENS BOARD**

The State Ethics Act does not prohibit a public board member from serving as a board member of a private association related to the public agency responsibility. The

Board Member should follow the disclosure and disqualification procedures of Section 8-13-460 on matters coming before the Mental Retardation Board which affect the financial interests of the County Association.

Requestor: Wilson V. Inabinet, Jr., Admin., County Programs

Entity: Department of Mental Retardation

**OPINION: 88-041** **MAY 18, 1988**

**SUBJECT: BOARD MEMBER PARTICIPATING IN MATTERS AFFECTING BUSINESS SUPPLIER**

A JEDA Board Member whose firm desires to purchase goods from a supplier who received a loan from the agency should follow the procedures of Section 8-13-460 in matters affecting the client to avoid even the appearance of impropriety.

Requestor: Elliott E. Franks, III, Chief Executive Officer  
Entity: Jobs Economic Development Authority

**OPINION: 88-042** **MAY 18, 1988**

**SUBJECT: CORONER AS OWNER OF FUNERAL HOME**

A Coroner is not prohibited from having ownership interests in a funeral home, nor may he direct dead bodies to his funeral home nor may he direct that dead bodies be transported in an ambulance owned by his funeral home. An opinion should be obtained from the Attorney General's Office as to whether an Emergency Medical Services employee may also serve as a Deputy Coroner. An Emergency Medical Services employee who works for a funeral home consistent with the off-duty employment guidelines should not utilize his position to affect the financial interests of the funeral home.

Requestor: Curt Copeland, Coroner  
Entity: Beaufort County

**OPINION: 88-043** **MAY 18, 1988**

**SUBJECT: POLICE OFFICER AS GENERAL SESSIONS COURT CRIER**

A City Police Officer is prohibited by the State Ethics Act from receiving payment for serving as a Court Crier while he is receiving a salary from the city in accordance with the provisions of Section 8-13-410 and 8-13-430.

Requestor: Colonel J.L. Altman, Jr., Chief of Police  
Entity: City of Beaufort

**COMPLAINT OPINIONS**

**OPINION: 88c001** **SEPTEMBER 16, 1988**

**SUBJECT: UNIVERSITY PRESIDENT GIVING GIFTS TO PUBLIC OFFICEHOLDERS AND RECEIVING SALARY SUPPLEMENT**

The President of the University of South Carolina is advised against providing gifts of more than nominal value to certain public officeholders with responsibilities for budgetary, legal, and administrative matters of interest to the University, regardless of the source of funding, since such gifts have the appearance, if not the effect, of impropriety. The State Ethics Commission has determined to take no further action on the issue of salary supplements.

Requestor: James B. Holderman, President  
Entity: University of South Carolina



**SUBJECT: PLANNING COMMISSION MEMBER  
TAKING ACTION ON MATTER AFFECTING  
EMPLOYER'S PRIVATE HOLDINGS**

A member of a Planning and Zoning Commission is advised against deliberations and votes on issues affecting the personal financial interests of his employer to avoid even the appearance of impropriety.

Requestor: Bill Brauer, Member

Entity: North Myrtle Beach Planning and Zoning Comm.

**JONES ELECTED VICE-CHAIRMAN**

Richard C. "Dickie" Jones, of Sumter, was elected Vice-Chairman of the State Ethics Commission at its meeting on May 18. Jones was appointed to the Commission by Governor Campbell in June 1987.

He is a 1976 graduate of the Citadel and received his J.D. degree from Campbell University in 1980.

**DEFINITION OF BUSINESS ASSOCIATION  
CHANGED**

The General Assembly passed legislation this year to change the definition of "business with which he is associated". The statute had included stockholders in that definition if they held more than \$10,000 at fair market value in the stock of the company. Under the recently-enacted provision, the definition has been extended to include a stockholder whose holdings exceed 5% of the outstanding shares of stock.

**State Ethics Commission**

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